



OFFICE OF THE CITY CLERK

Rosaria Salerno
City Clerk

Room 601, Boston City Hall, Boston, Massachusetts 02201, 617-635-4600, Fax: 617-635-4658

March 22, 2010

To the City Council

Dear Councilors:

In compliance with the order passed by your Honorable Body December 6, 1976, this is to inform you that the following was filed by the Boston Redevelopment Authority with the City Clerk on March 22, 2010.

"Second Amendment to Report and Decision Amendment on the Application of JCH III Limited Partnership for the Genesis House Chapter 121A Project".

Respectfully,

Rosaria Salerno
City Clerk

RS/pf

Boston Redevelopment Authority

Boston's Planning & Economic
Development Office

Thomas M. Menino, Mayor
Clarence J. Jones, Chairman
John F. Palmieri, Director

One City Hall Square
Boston, MA 02201-1007
Tel 617-722-4300
Fax 617-248-1937

March 22, 2010

Ms. Rosaria Salerno, City Clerk, City of Boston
One City Hall Square, Room 601
Boston, MA 02201

RE: SECOND AMENDMENT TO REPORT AND DECISION ON THE
APPLICATION OF JCH III LIMITED PARTNERSHIP FOR THE GENESIS
HOUSE CHAPTER 121A PROJECT

Dear Ms. Salerno:

Pursuant to Section 13, Chapter 652 of the Acts of 1960, I hereby file with the Office of the City Clerk the following material attested by the undersigned as Secretary..

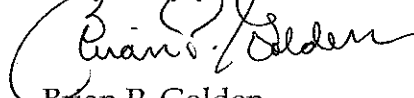
A Certificate of Vote of the Authority adopted on March 16, 2010, approving and adopting the "SECOND AMENDMENT TO THE REPORT AND DECISION ON THE APPLICATION OF JCH III LIMITED PARTNERSHIP, FOR THE AUTHORIZATION ON THE APPROVAL UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A, AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED OF CERTAIN PROJECT ADDITIONS TO THE PREVIOUSLY APPROVED PROJECT AND ASSOCIATED ZONING DEVIATIONS TO BE UNDERTAKEN BY A MASSACHUSETTS LIMITED PARTNERSHIP" vote of the Authority approving said Application and an executed copy of the Approval by His Honor, Mayor Menino dated March 21, 2010, of the foregoing vote.

Attached to the above-mentioned Certificate of Vote and Approval thereof by His Honor, Mayor Menino, is a copy of the aforementioned "SECOND REPORT AND DECISION AMENDMENT...".

Please acknowledge the filing of the foregoing on the copy of this letter and return the same to the undersigned.

Receipt of the aforementioned is hereby
acknowledged:

Very truly yours,


Brian P. Golden
Secretary



City Clerk



Date

BOARD APPROVED

MEMORANDUM

MARCH 16, 2010

TO: BOSTON REDEVELOPMENT AUTHORITY AND
JOHN F. PALMIERI, DIRECTOR

FROM: BRENDA MCKENZIE, DIRECTOR OF ECONOMIC DEVELOPMENT
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
JAY ROURKE, SENIOR PROJECT MANAGER

SUBJECT: SECOND AMENDMENT TO REPORT AND DECISION ON THE
APPLICATION OF JCH III LIMITED PARTNERSHIP FOR THE GENESIS
HOUSE CHAPTER 121A PROJECT

SUMMARY: This Memorandum requests adoption of a Second Amendment to Report and Decision that approves certain zoning deviations and related additions to the Genesis House at 28 Wallingford Road in Brighton to increase the community space.

BACKGROUND

The Genesis House Chapter 121A Project (the "Project") is located at 28 Wallingford Road in the Brighton District of the city of Boston. The Project consists of a two-wing, residential building containing two hundred and nine (209) elderly apartment units and appurtenant facilities varying in height from six to eight stories. The wings are connected by a common facilities building containing an auditorium and several small special activities rooms for uses accessory to the apartment use.

On June 12, 1975, the Boston Redevelopment Authority (the "Authority") voted to adopt that certain Report and Decision on the Application for Approval of the Redevelopment Project located at 28 Wallingford Road in Brighton by Jewish Community Housing for the Elderly III, Inc., for the Project (the "Original Report and Decision"). Such vote was approved by the Mayor of the city of Boston (the "Mayor") on July 17, 1975, and the vote as so approved was filed with the Clerk of the city of Boston (the "City Clerk") on July 28, 1975. The original Chapter 121A entity, as approved in the Original Report and Decision, designated to undertake the Project was Jewish Community Housing for the Elderly III, Inc. ("JCHE").

The Original Report and Decision was amended by virtue of the Authority's approval of that certain First Amendment to Report and Decision on the Application of Jewish

Community Housing for the Elderly III, Inc., which approval was granted by the Authority by virtue of a vote dated December 5, 1985 (the "First Amendment to Report and Decision"). The Authority's vote on the First Amendment to Report and Decision was approved by the Mayor on December 31, 1985, and filed with the City Clerk on February 17, 1986. The purpose of the First Amendment to Report and Decision was to transfer the project to JCH III Limited Partnership pursuant to the applicable provisions of M.G.L. Chapter 121A and Chapter 652 of the Acts of 1960, both as now amended.

APPLICATION FOR ZONING DEVIATIONS; PROJECT ADDITIONS

On March 3, 2010, JCH III Limited Partnership, a Massachusetts limited partnership (the "Applicant") filed that certain Application for a Second Amendment to Report and Decision seeking to obtain zoning deviations to permit the construction of additions to the common facilities building, which is connected to the Genesis House located at 28 Wallingford Road, Brighton (the "Application").

A copy of the Application is attached to this Board Memorandum and incorporated herein. The Application requests certain zoning deviations to permit the construction of minor additions on either side of the common facilities building situated between the two apartment unit wings of Genesis House. These additions are vital to the Applicant's intention to increase its capacity for providing more support services to the elderly residents of the Project and thereby enhancing the Applicant's ability to foster a community in which the residents can age in place.

The enhanced community space will also service the elderly residents at Leventhal House and Ulin House, which are adjacent to the Project and part of the overall JCHE community encompassing approximately 900 elderly residents.

NO FUNDAMENTAL CHANGE DETERMINATION

The General Counsel has determined that the project changes and related zoning deviations do not constitute, collectively, a "fundamental change" in accordance with the Acts of 1960, Chapter 652, Section 13(A), as amended.

RECOMMENDATION

Enclosed is a Second Amendment to Report and Decision that approves certain zoning deviations to permit the construction of additions to the common facilities building, which are connected to the Genesis House located at 28 Wallingford Road, Brighton. After due consideration of the testimony and documents or materials presented, it is recommended that the Authority vote to adopt the foregoing document.

An appropriate vote follows:

VOTED: That the document presented at this meeting entitled "SECOND AMENDMENT TO THE REPORT AND DECISION ON THE APPLICATION OF JCH III LIMITED PARTNERSHIP, FOR THE AUTHORIZATION ON THE APPROVAL UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A, AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED OF CERTAIN PROJECT ADDITIONS TO THE PREVIOUSLY APPROVED PROJECT AND ASSOCIATED ZONING DEVIATIONS TO BE UNDERTAKEN BY A MASSACHUSETTS LIMITED PARTNERSHIP" be and hereby is, approved and adopted in all respects.

MARCH 16, 2010

BOSTON REDEVELOPMENT AUTHORITY

SECOND AMENDMENT TO THE REPORT AND DECISION ON THE APPLICATION OF JCH III LIMITED PARTNERSHIP, FOR THE AUTHORIZATION AND THE APPROVAL UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A, AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, OF CERTAIN PROJECT ADDITIONS TO THE PREVIOUSLY APPROVED PROJECT AND ASSOCIATED ZONING DEVIATIONS TO BE UNDERTAKEN BY A MASSACHUSETTS LIMITED PARTNERSHIP

A. Prior Proceedings and Actions. Reference is made to the following:

1. On June 12, 1975, the Boston Redevelopment Authority (the "Authority") voted to adopt that certain Report and Decision (the "Original Report and Decision") on the Application for Approval of the Redevelopment Project located at 30 Wallingford Road (now known as 28 Wallingford Road) in Brighton by Jewish Community Housing for the Elderly III, Inc., for a project known as the Genesis House Chapter 121A Project (the "Project"). Such vote was approved by the Mayor of the city of Boston (the "Mayor") on July 17, 1975, and the vote as so approved was filed with the Clerk of the city of Boston (the "City Clerk") on July 22, 1975. The original Chapter 121A entity, as approved in the Original Report and Decision, designated to undertake the Project was Jewish Community Housing for the Elderly III, Inc. The Project consists of a two-wing, residential building containing two hundred and nine (209) elderly apartment units and appurtenant facilities varying in height from six to eight stories, which wings are connected by a common facilities building containing an auditorium and several small special activities rooms for uses accessory to the apartment use.
2. On December 5, 1985, the Original Report and Decision was amended by virtue of the Authority's approval of a certain First Amendment to Report and Decision on the Application of Jewish Community Housing for the Elderly III, Inc. (the "First Amendment to Report and Decision"). The Authority's vote on the First Amendment to Report and Decision was approved by the Mayor on December 31, 1985, and filed with the City Clerk on February 17, 1986. The purpose of the First Amendment to Report and Decision was to transfer the Project to JCH III Limited Partnership pursuant to the applicable provisions of M.G.L. Chapter 121A and Chapter 652 of the Acts of 1960, both as now amended.
3. The Original Report and Decision as amended by the First Amendment to Report and Decision are hereafter referred to as the "Amended Report and Decision."

B. **Application for an Additional Zoning Deviation.** On March 3, 2010, JCH III Limited Partnership, a Massachusetts limited partnership (the "Applicant") filed that certain Application for a Second Amendment to Report and Decision seeking to obtain zoning deviations to permit the construction of additions to the common facilities building (the "Proposed Project"), which are connected to the Genesis House located at 28 Wallingford Road, Brighton (the "Application"). A copy of the Application is attached hereto as Exhibit A.

C. **Authority Action.** The Authority is acting hereunder pursuant to General Laws Chapter 121A, as amended and applicable ("Chapter 121A"), the Acts of 1960, Chapter 652 ("Chapter 652"), as amended and applicable, and all other applicable sections or provisions of Chapter 121A and Chapter 652 and the Authority's "Rules and Regulations Governing Chapter 121A Projects in the city of Boston" ("Authority's Rules and Regulations"), as amended and applicable. Further, the Authority in acting hereunder has considered the Application, and all documents or exhibits filed therewith or attached thereto, and all documents or other materials and testimony presented at the Authority's meeting on March 16, 2010, sufficient in its judgment to enable it to act as hereinafter set forth.

D. **Decision.** The Authority hereby acts as follows:

1. **Approval.** The Application is hereby approved and the Amended Report and Decision is further amended only to the extent specifically set forth herein. If there is any inconsistency or conflict between the terms and conditions of the Application and those of this Second Amendment to Report and Decision ("Second Amendment"), the terms and conditions of the Second Amendment shall apply and govern.

2. **Deviations from the Zoning Code.** The Application requests that permission be granted for the Proposed Project to:

a. Deviate from the Boston Zoning Code ("Zoning Code") by permitting "Accessory Services for Apartment and Hotel Residents," as such use is regulated by Table A of Section 51-8 of the Zoning Code, within the Project parcel and the improvements constructed, or that may in the future be constructed, thereon, which deviation shall be in addition to the deviations approved by the Authority in the Original Report and Decision;

b. Deviate from the Zoning Code by permitting "Ancillary Uses", as such use is regulated by Table A of Section 51-8 of the Zoning Code, within the Project parcel and the improvements constructed, or that may in the future be constructed, thereon, which deviation shall be in addition to the deviations approved by the Authority in the Original Report and Decision;

c. Deviate from the Zoning Code by permitting an additional approximately 10,075 square feet of net new Gross Floor Area, as such term is defined in Section 2A of the Zoning Code, which when added to the approximately 185,339 square feet of Gross Floor Area previously constructed in the Project, results in a Floor Area Ratio, as such term is defined in Section 2A of the Zoning Code, and regulated by Table D of Section 51-9 of the Code, of 1.492 (increased from 1.415).

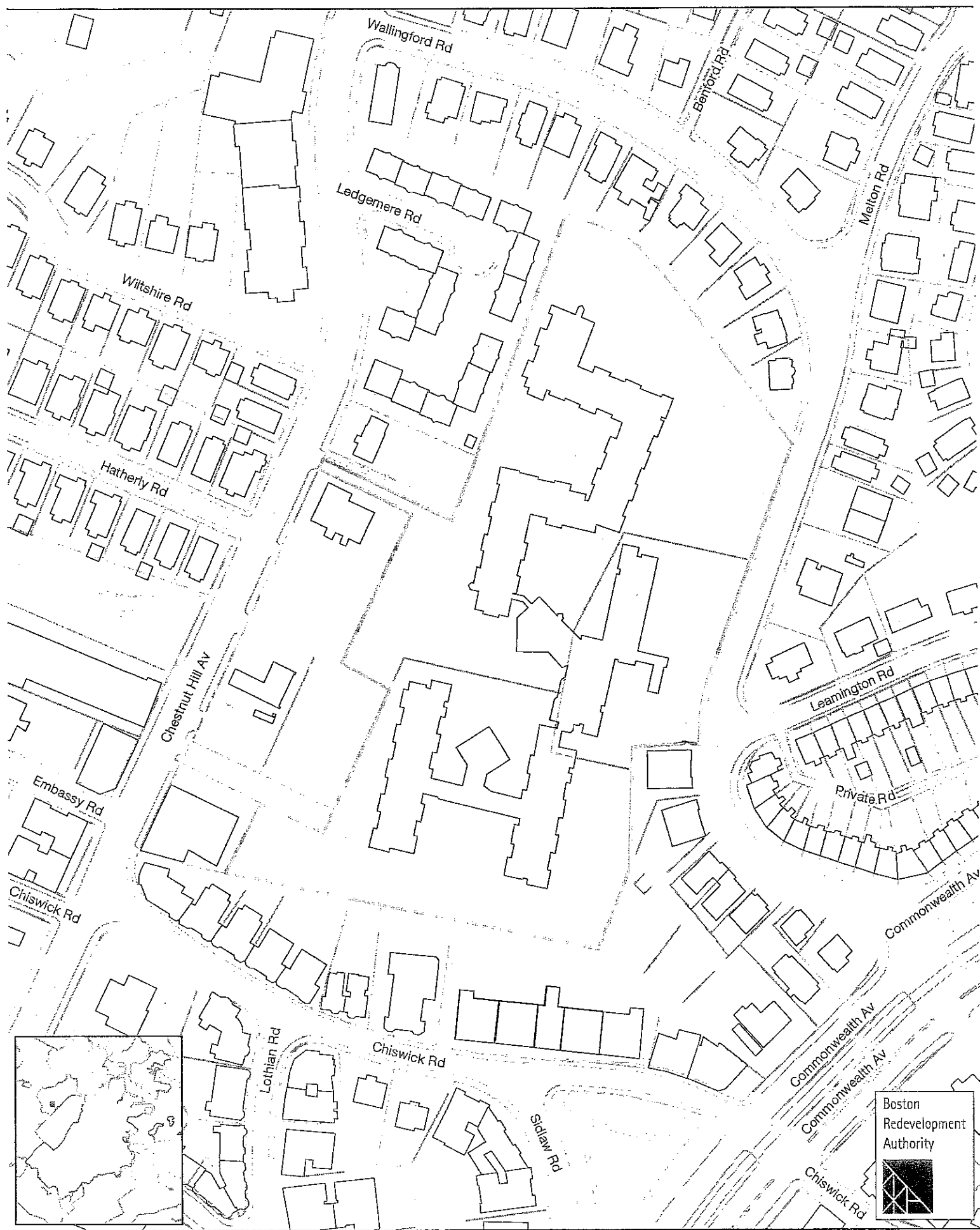
For the reasons set forth in the Application, and upon consideration of all testimony and documents presented at the Authority's meeting on March 16, 2010, the Authority hereby finds and determines that the permission to deviate from the Zoning Code regarding the Accessory and Ancillary Uses and the additional Floor Area Ratio is necessary for the carrying out of the Proposed Project, conforms to the general plan for the City of Boston as a whole, that nothing in such Proposed Project will be injurious to the neighborhood or otherwise detrimental to the public welfare, and are therefore granted. Further, the Authority hereby finds and determines that such zoning deviations may be granted without substantially derogating from the intent and purpose of the Zoning Code and underlying enabling act. Any other zoning deviations requested in the Application, other than the Accessory and Ancillary Uses and the additional Floor Area Ratio approved herein, are not approved by this Second Amendment.

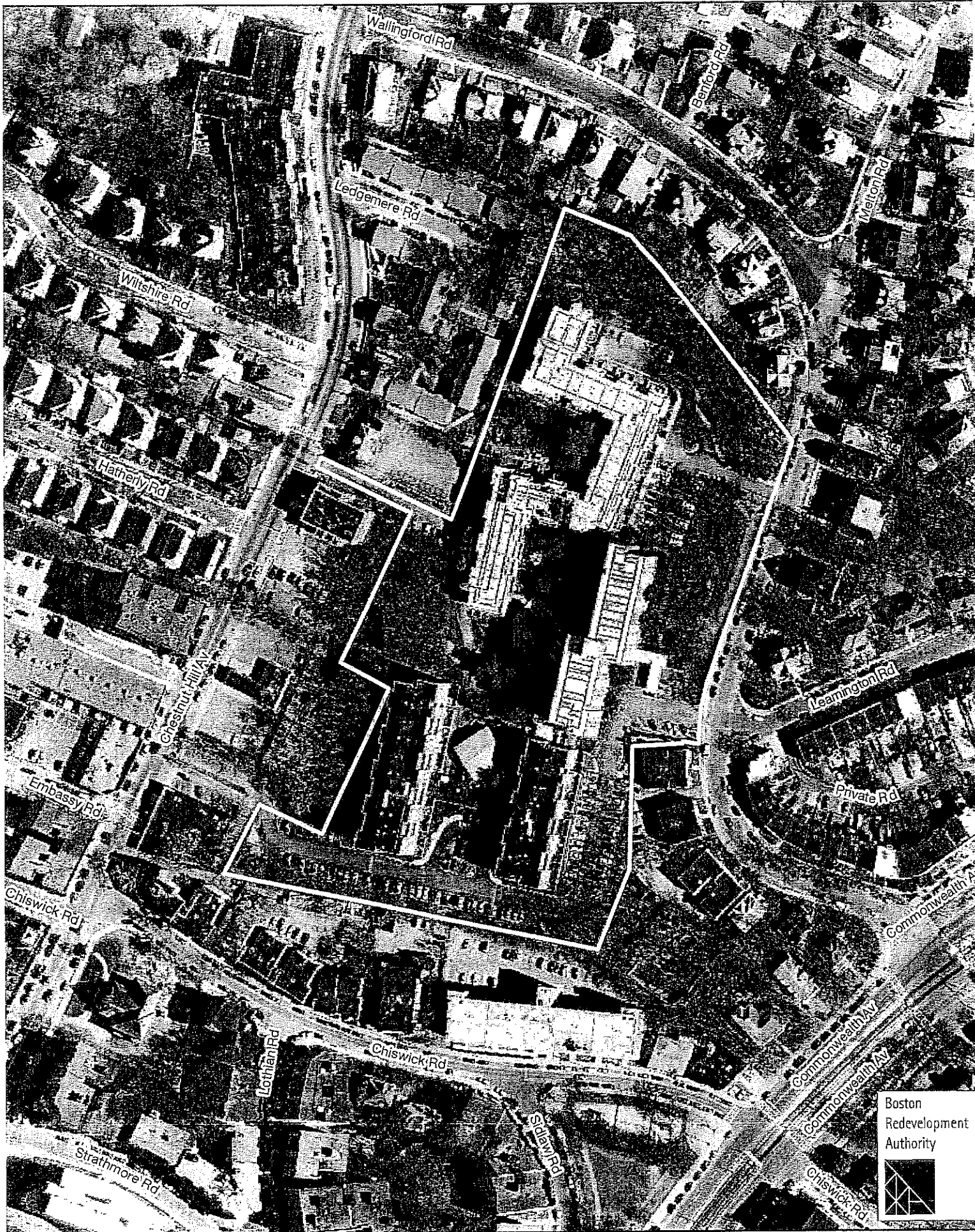
3. **General Finding.** The Authority hereby finds and determines that: (a) zoning deviations granted in this Second Amendment do not constitute a "fundamental change" to, or in the Project in accordance with Chapter 652, Sections 13 and 13A; (b) except to the extent inconsistent with or contrary to the provisions of this Second Amendment, all of the findings, determinations, deviations, approvals and consents contained in the Amended Report and Decision, are hereby ratified and confirmed in all respects and the same shall run with and benefit the Project, the land associated therewith, the Applicant and its successors and assigns, and shall survive the termination of the Project under Chapter 121A; and (c) any procedural requirements of applicable rules and regulations which may not have been complied with in connection with the Application, this Second Amendment or the Authority's proceedings are hereby waived.

4. **Amended Report and Decision.** All provisions of the Amended Report and Decision not specifically amended, revised by or inconsistent with, this Second Amendment shall remain in full force and effect.

5. **Authorization to Execute Documents.** The Authority's Director is hereby authorized to execute any documents or agreements he deems necessary, and estoppel certificates or like instruments, to, or for, governmental bodies or other interested persons or entities that confirm matters covered by this Second Amendment.

E. **Severability.** In the event that any provision of this Second Amendment shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.





APPROVED:

Including, without limiting the generality of the foregoing, the "SECOND AMENDMENT TO REPORT AND DECISION ON THE APPLICATION OF JCH III LIMITED PARTNERSHIP FOR THE GENESIS HOUSE CHAPTER 121A PROJECT" and the March 16, 2010 vote of the Authority approving said Report and Decision Application.

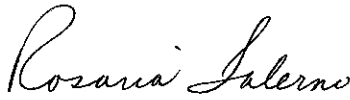


Mayor of the City of Boston

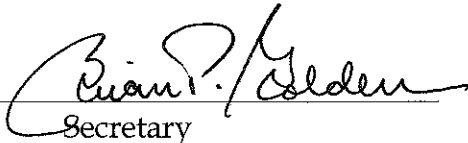
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Date

Attest:



City Clerk
City of Boston



Secretary
Boston Redevelopment Authority

Boston Redevelopment Authority

Boston's Planning & Economic
Development Office

Thomas M. Menino, *Mayor*
Clarence J. Jones, *Chairman*
John F. Palmieri, *Director*

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March 18, 2010

Honorable Thomas M. Menino
Mayor of Boston
One City Hall Square
Boston, Massachusetts 02201

SUBJECT: SECOND AMENDMENT TO REPORT AND DECISION ON THE
APPLICATION OF JCH III LIMITED PARTNERSHIP FOR THE GENESIS
HOUSE CHAPTER 121A PROJECT

Dear Mayor Menino:

At the regular meeting of March 16, 2010, the Boston Redevelopment Authority (the "Authority") approved and adopted a document entitled "SECOND AMENDMENT TO THE REPORT AND DECISION ON THE APPLICATION OF JCH III LIMITED PARTNERSHIP, FOR THE AUTHORIZATION ON THE APPROVAL UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A, AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED OF CERTAIN PROJECT ADDITIONS TO THE PREVIOUSLY APPROVED PROJECT AND ASSOCIATED ZONING DEVIATIONS TO BE UNDERTAKEN BY A MASSACHUSETTS LIMITED PARTNERSHIP". The adoption of this document constitutes approval by the Authority.

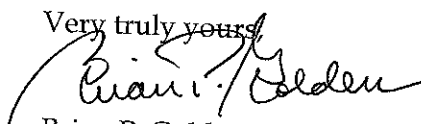
Enclosed herewith for your review are four copies of the "SECOND REPORT AND DECISION AMENDMENT...". Attached to each copy of the Application is a Certificate of Vote executed by the Secretary.

Section 12 of Chapter 652 of the Acts of 1960 provides as follows: "...provided, however, that no vote of the Authority approving a project or any change therein, or making or amending any rule, regulation or standard therefor, shall be in force until approved by the Mayor of said City." Your approval pursuant to Section 12 is respectfully requested.

The Approval Form, which is attached to each set of the aforementioned documents, is in the form previously approved by the City of Boston Law Department.

If the vote of the Authority approving the "SECOND REPORT AND DECISION AMENDMENT..." meets with your approval, please sign all four copies of the Approval Certificate, one copy of which I am required as Secretary to file with the City Clerk pursuant to Chapter 652 of the Acts of 1960.

Very truly yours,


Brian P. Golden
Executive Director/Secretary

Attachment